

# MEMORANDUM

November 8, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID BALL  
Biesty, Garrety, and Wagner

ROGER H. GRANBO  
Principal Deputy County Counsel  
General Litigation Division

RE: Elisa Smith v. County of Los Angeles  
Los Angeles Superior Court Number No. BC 315287

DATE OF  
INCIDENT: June 18, 2003

AUTHORITY  
REQUESTED: \$25,000

COUNTY  
DEPARTMENT: Department of Public Social Services


---


## CLAIMS BOARD ACTION:


☒ Approve

☐ Disapprove

☐ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on November 15, 2004

## SUMMARY

This is a recommendation to settle for \$25,000, a lawsuit filed by Elisa Smith for injuries she sustained in an automobile accident with an employee of the Department of Public Social Services (DPSS).

## LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

## SUMMARY OF FACTS

On June 18, 2003, Elisa Smith was driving west on 11<sup>th</sup> Street at the intersection with Valencia Street in the City of Los Angeles. When she entered the intersection, she was hit by a car being driven by an employee of DPSS, who was driving south on Valencia Street and who had failed to stop at the stop sign.

The impact of the collision caused Elisa Smith's car to rollover, and she sustained soft tissue injuries to her neck and back, and a laceration to her left elbow.

The subsequent traffic investigation found that the employee was the cause of the accident.

## DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	\$ 8,700
Loss of earnings	\$ 2,500
Pain and suffering	<u>\$100,000</u>
Total	<u>\$111,200</u>

The proposed settlement calls for the County to pay Elisa Smith \$25,000 for all of her damages, costs, and attorney fees. Elisa Smith's claim of \$16,926.30 for the damage to her car, which was totaled, has previously been paid.

## STATUS OF CASE

The trial court proceeding has been suspended pending consideration of the proposed settlement.

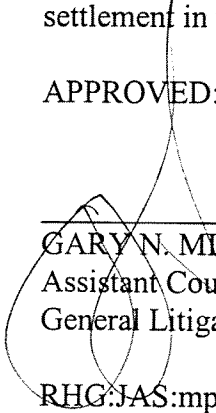
Expenses incurred by the County in defense of this action are attorney fees of \$1,155 and \$65 in costs.

## EVALUATION

This is a case of probable liability. The traffic investigation found that the employee caused the collision. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, Biesty, Garrety, and Wagner, and our third party administrator, Carl Warren and Company, in recommending a settlement in the total amount of \$25,000. DPSS concurs in this recommendation.

APPROVED:



---

GARY N. MILLER  
Assistant County Counsel  
General Litigation Division

RHG:JAS:mp